

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

JOHN G. PEDICINI,	:	
	:	
Plaintiff,	:	
	:	
v.	:	
	:	Case No. 04-12395-JLT
UNITED STATES OF AMERICA, et al.,	:	
	:	
Defendants.	:	
	:	

DEFENDANTS' AMENDED RULE 26 DISCLOSURES

Pursuant to Rule 26(a)(3) of the Federal Rules of Civil Procedure, Defendants, United States of America, et al. ("Government"), provide the following Rule 26(a)(3) pretrial disclosures:

(A) The following are the names, addresses, and telephone numbers of each witness, separately identifying those that the Government expects to present and those that the Government may call if the need arises:

Defendants expect to present testimony from the following individuals:

1. Frances E. Zorn
400 Madison St.
Alexandria, VA 22314-1772
(703)549-2729

- 2 John Ghiorzi¹
8 Dray Coach Circle
Nashua, NH 03062
(603)888-1944
3. Robert Canavan
FNS-NERO
10 Causeway Street, Rm. #501
Boston, MA 02222
(617)565-7110
4. Douglas MacAllister
601 Haverhill Street
Reading, MA 01867
(781)942-0161

Defendants may call the following witnesses if the need arises:

5. Lawrence Blim
USDA-FNS
3101 Park Center Drive
Alexandria, VA 22302-1500
(703)305-1548
6. Arthur LeBlanc
194 Water Street
Newburyport, MA 01950
(978)465-7995

¹Defendants have moved to present the testimony of Mr. Ghiorzi via deposition transcript. See Defendants' Motion to Present Ghiorzi by Deposition, filed July 30, 2007.

7. Michael Malone
National Institute of Health
10401 Fernwood Drive, Room 3NE10
Bethesda, MD 20892
(301)402-3001
8. Rayford Farquhar
Assistant United States Attorney
U.S. Attorney's Office for the District of Massachusetts
Moakley United States Courthouse
1 Courthouse Way, Suite 9200
Boston, MA 02210
(617)748-3284
9. Any witness identified by Plaintiff in his pretrial disclosures (to the extent that the Court does not grant Defendants' motions in limine, motion to quash, and objections as to those witnesses); and
10. Any witness that may be necessary to impeach or rebut Plaintiff's case-in-chief.

(B) Defendants expect to present the following witness testimony by means of deposition transcript:

1. Deposition of John Ghiorzi, dated June 25, 2005,² pp. 11, 14-15, and 25-26. Defendants reserve the right to supplement the page numbers of Mr. Ghiorzi's Deposition to be used at trial.

(C) The following are the documents or exhibits, including the appropriate identification of each document, separately identifying those that the Government expects to offer and those that the Government may offer if the need arises:

²See Defendants' Motion to Present Ghiorzi by Deposition, filed July 30, 2007.

Documents or other exhibits Defendants expect to offer at trial:

1. Position Description of John Pedicini, Financial Management Specialist (US0176-US0184).
2. Position Description of Martin Hines, Budget Analyst (US0164-US0167).
3. Memorandum from USDA to Regional Administrators, dated February 22, 1982 (US0487-US0488).
4. Delegation of Authority Memoranda (US0013-US0015).
5. Procurement Documents, i.e., Compensatory Time & Overtime Authorization and Printing and Binding Requisition to the Public Printer (P517, P1375, P1373).
6. Settlement Agreement, dated June 17, 2002 (US0104-US0106).
7. Stipulation of Dismissal Without Costs of Pedicini and USDA (Civil Action No. 01-11564-DPW), dated June 25, 2002 (US001).
8. 2001-2006 Performance Appraisals for John Pedicini (US0170-US0175, US0077, P-3363-P-3370, P-3329-P3332, US0509).
9. Performance Appraisal for John Pedicini, dated 2/16/2007 (US0489).
10. FNS Integrated Program Accounting System Report on User Access, dated 7/19/2007 (US0490-US0491).
11. Financial Management Northeast Region Org Chart for period 9/2002-8/2003 (US0056).

12. Financial Management Official Org Chart, dated 12/1/2004 (US0492).
13. Financial Management Org Chart for period 2/2006-5/2007 (US0493).
14. Memo from Gary Maupin regarding Funds Control Officer Responsibilities, dated 1/28/1997 (P-1392).
15. Memo from Roger A. Butler regarding Permissible Expenditures, dated 11/24/1997 (US0494).
16. Cash Award, Pay Adjustment, and Within Grade Increase Notification, dated from 5/4/2002 to 8/2/2004 (US208, US0210-US0216, US0220, US0305, US0311).
17. FNS-NERO FY05 & FY06 Cash Awards issued to John Pedicini (US0495-US0499).
18. Memo from Michael Watts to Carol Fields Regarding "FNS Response to Noncompliance with a Settlement Agreement," dated 8/28/2003 (P-1292-P-1293).

Documents or other exhibits Defendants may offer at trial:

19. FNS Computer System Access Request for John G. Pedicini, dated 7/20/2001 (US0500-US0501).
20. SERO Financial Management Organization Chart, dated June 2006 (US0502).
21. Learning History Record of John Pedicini (US0503).
22. Memo to Michael Todd, Funds Officer at FNS Mountain Plains Region, regarding Formal Delegation of Authority (US0504).

23. Delegation of Authority With Respect to Availability of Administrative Funds Form, Regional Administrator of FNS Southeast Region Donald E. Arnette (US0505).
24. Delegation of Authority With Respect to Availability of Administrative Funds Form, Regional Administrator of FNS Southeast Region Retha F. Oliver (US0506).
25. Delegation of Authority With Respect to Availability of Administrative Funds Form, Regional Administrator of FNS Southeast Region Sara S. Harding (US0507).
26. Delegation of Authority With Respect to Availability of Administrative Funds Form, Regional Administrator of FNS Southeast Region J. Lewis Wright (US0508).
27. Affidavit of Lisha Dorman, dated 11/2/2005 (P2260-P2263).³
28. NERO Vacancy Announcements, posted 7/16/2003 & 11/03/2003 (P-2089-P-2093, P-2083-P2088).
29. Documents or other exhibits referenced in Plaintiff's pretrial disclosures (to the extent that the Court does not grant Defendants' motions in limine, motion to quash, and objections as to those documents and exhibits); and
30. Any document or exhibit that may be necessary to impeach or rebut Plaintiff's case-in-chief.

³ Defendants have filed a motion in limine to exclude this witness from testifying at trial. In the event, the Court grants Defendants' motion, then this document should be excluded from submission into evidence at trial.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Gina Walcott-Torres
Gina Walcott-Torres
Assistant United States Attorney
John Joseph Moakley U.S. Courthouse
One Courthouse Way, Suite 9200
Boston, Mass. 02110
617-748-3369

Dated: August 1, 2007

CERTIFICATE OF SERVICE

I certify that on August 1, 2007, I caused a copy of the foregoing document to be served on *pro se* Plaintiff, John G. Pedicini, 10 Milano Drive, Saugus, MA 01906, by first class mail, postage pre-paid.

/s/ Gina Walcott-Torres
Gina Walcott-Torres
Assistant U.S. Attorney